



PATENT  
Atty. Docket No. PXE-037.US

INVENTOR'S DECLARATION FOR UTILITY PATENT APPLICATION

13

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter, which is claimed and for which a patent is sought on the invention entitled: MULTIPLE OUTPUT ANESTHESIA SYSTEM

the specification of which (check one)

is attached hereto.

was filed on February 20, 2002, as Application Serial No. 10/081,040.

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge and understand that I am an individual who has a duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations, §§ 1.56(a) and (b) which state:

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information, which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and;

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

- (i) Opposing an argument of unpatentability relied on by the Office, or
- (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application. This invention was not in public use or on sale in the United States of America more than one year prior to this application. This invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than six months prior to this application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature: *Richard Dalgetty*  
Full name of Inventor: Richard G. Dalgetty  
Citizenship: US  
Residence: 550 Westfield Way, Oakland, CA 94619

Date: *1 May 02*

Signature: *Brian R. Bates*  
Full name of Inventor: Brian R. Bates  
Citizenship: US  
Residence: 3152 Stanley Blvd., Lafayette, CA 94549

Date: *1 May 2002*

Signature: *Michael B. Nelson*  
Full name of Inventor: Michael B. Nelson  
Citizenship: US  
Residence: 2240 Lombard Street, #303, San Francisco, CA 94123

Date: *5/1/02*

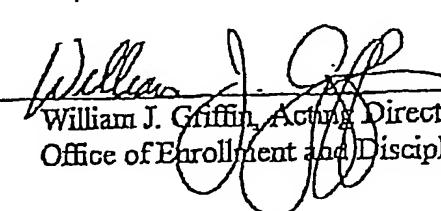
BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATES PATENT AND TRADEMARK OFFICE

LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

William Plut is hereby given limited recognition under 37 CFR § 10.9(b) as an employee of the Beyer, Weaver, and Thomas, LLP law firm to prepare and prosecute patent applications wherein the patent applicant is the client of the Beyer, Weaver, and Thomas, LLP law firm, and the attorney or agent of record in the applications is a registered practitioner who is a member of the Beyer, Weaver, and Thomas, LLP law firm. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) William Plut ceases to lawfully reside in the United States, (ii) William Plut's employment with the Beyer, Weaver, and Thomas, LLP law firm ceases or is terminated, or (iii) William Plut ceases to remain or reside in the United States on an TN visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the United States Patent and Trademark Office.

Expires: June 10, 2002

  
William J. Griffin, Acting Director  
Office of Enrollment and Discipline